

NOV 02 2005


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kevin W. Smith Confirmation No.: 8879
Serial No.: 09/854,812 Examiner: M. Peffley
Filing Date: May 14, 2001 Group Art Unit: 3739
Docket No.: 1001.1451103 Customer No.: 28075
For: POLYPECTOMY SNARE INSTRUMENT

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT (37 C.F.R. 1.321(c))

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at <u>571-273-8300</u> on the date shown below.	
Kathleen L. Boekley	
Type or print name of person signing certification	
	November 2, 2005
Signature	Date

The owner, SciMed Life Systems, Inc., of full interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,235,026. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent

Appl. No. 09/854,812
Term. Discl. dated November 2, 2005
Reply to Office Action of August 8, 2005

granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

As indicated on the Fax Transmission Cover Letter, Applicants authorize the terminal disclaimer fee of \$130 to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

SCIMED LIFE SYSTEMS, INC.

By its Attorney,



David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: 11/2/05